IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

LA.App..No. 673 of 2001()

LAR.51/1997 of SUB COURT, PALA
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APPELLANT/RESPONDENT:

STATE OF KERALA

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

RESPONDENTS/CLAIMANTS:
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1. C.D.JOSE, S/O.DEVASIA, CHERUVALLIL HOUSE, VELLAPPAD KARA, LALAM VILLAGE, PALAI

2. THOMAS SEBASTIAN, -DO-

3. C.D.ABRAHAM, -DO-

4. SUMA PHILIP, W/O.C.D.ABRAHAM -DO-

5. C.D. SEBASTIAN, S/O.DEVASIA, -DO-

6. THRESSAMMA, W/O.C.D.SEBASTIAN, -DO-

BY ADV. SRI.K.V.RAJU
SRI.IGNATIOUS PHILIP

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No. 673 of 2001

Dated this the 11th day of September, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed against the judgment and decree in L.A.R.No.51/1997 on the file of the Sub Court, Pala. The extent involved is only 1.50 Ares of land. The enhancement granted by the court is at the rate of Rs.13,500/- per Are. The Land Acquisition Officer fixed the land value at Rs.13,500/- per Are. On behalf of the claimant Exts.A1 to A3 documents were produced and the report of the Commissioner was marked as Ext.X1. AWs 1 to 5 were also examined. On appreciation of the evidence the reference court came to the conclusion that the case of the claimants that they are entitled to land value at that of Exts.A1 to A3 cannot be accepted. However, based on the evidence of the Advocate Commissioner and also the evidence of AWs 1 to 5 the reference court found that the claimants are entitled to some enhancement. Taking note of the entire facts and circumstances of the case, particularly the evidence of the

Advocate Commissioner and the Commission report, the reference court granted further enhancement to a tune of Rs.13,500/- per Are. No evidence was tendered on behalf of the respondent. In the facts and circumstances of the case an amount of Rs.10,000/- was awarded for construction of the Kayyala, though much more was claimed. In view of the evidence already available on record it cannot be said that the award passed by the reference court is unjust and improper. The extent involved is also very small and the value awarded is just and reasonable. Therefore, there is no merit in the appeal. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.673 of 2001

JUDGMENT

11th September, 2007